

Mieles, Janette

From: Taylor, Karen
Sent: Wednesday, January 29, 2014 2:39 PM
To: Mcchesney, Dennis
Subject: FW: OUST comments - EQB Revised UST regulations

From: McChesney, Dennis
Sent: Monday, December 16, 2013 11:54 AM
To: Taylor, Karen
Subject: FW: Draft Final EQB Revised UST regulations

FYI from OUST. I'm not sending EQB the first comment since the proposed are more stringent than what we'll see in the final and PR will be better for the tighter rules.

Dennis J. McChesney, Ph.D., MBA
Team Leader
UST Team
U.S. EPA Region 2
290 Broadway
New York, NY 10007-1866
Voice (212) 637- 4232
Fax (212) 637- 4211

From: Miller, Paul
Sent: Monday, December 16, 2013 11:26 AM
To: McChesney, Dennis
Cc: Gerber, Linda; Kwan, ChoYi; Smith, TimR
Subject: RE: Draft Final EQB Revised UST regulations

Dennis – Cho Yi asked that we get back to with any comments we might have on PR's revised UST regulations by the end of today. I gave it a very quick read and offer the following input:

- I feel I have to caution Puerto Rico that they are using EPA's proposed regulation put out in 2011 as the basis for their rule. EPA is reviewing and incorporating appropriate comments to that proposal. Although I cannot discuss or share specific changes to the rule, the proposal will likely change before being finalized.
- Page 22, definition of significant non-compliance – I'm a bit concerned that this definition relates only to Energy Policy Act of 2005 violations. The term should relate to violations associated with any part of Puerto Rico's rule – not just EPA compliance.
- Rule 807, p. 26, B. Piping, subsection 3 and 3a – I believe both of these subsections should be part of subsection 2b immediately above them. They relate to cathodic protection rather than a piping type. If I'm correct, their numbering should be (i) and (ii) instead of (3) and (3)(a).
- Rule 808, Section E. Upgrade Requirements for Previously Deferred UST systems – second line – the word "fire" should be "aircraft refueling" because the rule applies to petroleum, not fire hydrants. Also, what does TAS mean? I couldn't find this defined. Should it be field constructed UST systems? Also, this is the only place where I saw Puerto Rico saying anything about emergency power generators at nuclear power generating facilities. Should these remain deferred or is PR intending to regulate them. EPA's proposal continues to defer these. If PR is going to regulate them, they should use the term everywhere where they are talking about previously deferred UST systems.

- Rule 818, section B – the words don't make sense to me here. Should it say: "Owners and operators must begin meeting these requirements on the effective date of this regulation"? Or is Puerto Rico intending to provide criteria below section B by saying "as follows" in the sentence? If so, what are those criteria?
- Rule 829, Section A, subsection 2 – this needs to specifically require interstitial monitoring to meet the secondary containment requirements in EAct. It should say: "Tanks installed after the effective date of this Regulation must be monitored for releases **using interstitial monitoring** at least every thirty..."
- Rule 829, Section B, subsection 2, paragraph a – this needs to specifically require interstitial monitoring to meet the secondary containment requirements in EAct. It should say: "...Pressurized piping must be monitored for releases **using interstitial monitoring** at least every thirty..."
- Rule 829, Section B, subsection 2, paragraph b – this needs to specifically require interstitial monitoring to meet the secondary containment requirements in EAct. It should say: "...Suction piping must be monitored for releases **using interstitial monitoring** at least every thirty..."

Please feel free to call or email if you have questions.

Thanks

Paul

From: Kwan, ChoYi
Sent: Friday, December 06, 2013 10:48 AM
To: Miller, Paul; Smith, TimR
Cc: Gerber, Linda
Subject: FW: Draft Final EQB Revised UST regulations

From: McChesney, Dennis
Sent: Tuesday, November 26, 2013 1:30 PM
To: Perez, Rudolph; Kwan, ChoYi
Cc: Sawyer, William; Halley, Margaret; Moy, Ton
Subject: Draft Final EQB Revised UST regulations

Attached please find the revised draft final PREQB UST regulations for your review. See the attached incoming message for the descriptions of the attachment and the timeline for promulgation. Please provide any comments to me by COB December 16, 2013.

Thank you

Dennis J. McChesney, Ph.D., MBA
 Acting Chief
 RCRA Compliance Branch
 U.S. EPA Region 2
 290 Broadway
 New York, NY 10007-1866
 Voice (212) 637- 4232
 Fax (212) 637- 4211

From: Ospina, Janneth [<mailto:JannethOspina@jca.gobierno.pr>]
Sent: Tuesday, November 26, 2013 10:19 AM
To: Moy, Ton; McChesney, Dennis; Halley, Margaret
Subject: RE: EQB State Regulations

Janneth Ospina
Oficial de Permisos II
División de Control de Tanques Soterrados
Area de Calidad de Agua
Tel: 787-7678181 ext 3533
jannethospina@jca.gobierno.pr

From: Ospina, Janneth
Sent: Tuesday, November 26, 2013 10:04 AM
To: 'Moy, Ton'; 'McChesney, Dennis'; 'Halley, Margaret'
Cc: Garcia Hernandez, Wanda; Arroyo Rivera, Hector; Melendez Colon, Suzette; Acosta Camacho, Samuel; Diaz Gonzalez, Hector; Rodriguez Rodriguez, Ines
Subject: EQB State Regulations
Importance: High

Hi Margaret/Dennis/Ton

I am writing to follow up the concern about EQB State Regulation. As attachment I send you a zip file with the next documents:

1. [Compared English EPA-English EQB - Nov 26 2013](#): This document is the comparison of EPA version October 2013 and EQB version November 2013.
2. [English version UST Regulation Draft Final - Nov 26 2013](#): This document is the translation of Spanish version made for our lawyer Lcdo. Acosta, Lcdo Diaz and me.
3. [Spanish version UST Regulation Draft Final - Nov 26 2013](#): This document is the draft final version of EQB Regulation revised from EPA Spanish version October 2013.
4. [APENDICES-Spanish version UST Regulation Draft Final - Nov 26 2013](#): This document have the appendixes of Spanish UST Regulation Draft Final - Nov 26 2013
5. [APPENDICES-English version UST Regulation Draft Final - Nov 26 2013](#): This document have the appendixes of English UST Regulation Draft Final - Nov 26 2013
6. [Appendix of PARPCPTAS](#): This document have the appendixes of PARPCPTAS and PARCUST

Now, the next steps are:

1. EPA Revision of Draft Final: English and Spanish UST Regulation Draft Final - Nov 26 2013
2. EQB Governing Board Revision of Draft Final: English and Spanish UST Regulation Draft Final - Nov 26 2013
3. EQB Governing Board Approval of Draft Final and issue the public notice to comment period
4. Conduct after comment period, the Public Hiring
5. Official examiner's report
6. Issue the Final Version of EQB UST Regulation
7. EQB Governing Board Approval of Final Version of EQB UST Regulation
8. Present the Final Version of EQB UST Regulation to the Puerto Rico State Department
9. Final Version of EQB UST Regulation shall go into effect 30 days after date of filling it at the Puerto Rico State Department

Questions:

- With respect to the EPA Revision of Draft Final and EQB Governing Board Revision of Draft Final, is necessary **wait** until EPA approve the Draft for EQB Governing Board can approve the Draft and issue the public notice?
- If the answer is YES, how many time EPA need to review the Draft? It is necessary to know when the Governing Board can set the meeting for approval the Draft.

- **Important Note:** Is quite possible that EQB close in the Christmas period from 23 December 2013 to 6 January 2014.

If have problems with the attachment please let me know. I hope that all will be ok for you and the Draft can be approved soon. Thanks for your help and for all the help from our staff in order to comply with this task! Thanks to all !

Janneth Ospina
Permits Officer II
Underground Storage Tank Control Division
Water Quality Area
Phone: 787-7678181 ext 3533
jannethospina@jca.gobierno.pr